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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,699	09/28/2001	Akihiro Kasahara	213470US2RD	4727
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OBLON SPIV	AK MCCLELLANI	EXAMINER		
FOURTH FLO		TAMAI, KARL I		
	SON DAVIS HIGHWA	Y [		
ARLINGTON,	VA 22202		ART UNIT	PAPER NUMBER
			2834	
		1	DATE MAILED: 10/17/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Applicant(s)   Application (SasAHARA, AKIHIRO								
Examiner   Tamal IE Karl   2834		Application No		Applicant(s)				
Tamal IE Karl  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than this (30) days, a reply white he stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white he stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white he stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white he stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this communication.  If the period for reply specified and the stantory period will apply white the stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white the stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white the stantory minimum of thing (30) days will be considered timely.  If the period for reply specified above is less than this (30) days, a reply white the stantory will be stantory will an experiment the stantory will be stantory will be stantory will an experiment and the stantory will be reply the stantory will be considered timely.  If approved to communication, which is a stantory will be stantory in the consideration as to the merits is closed in above days and the stantory will be stantory.  If approved to communication is objected to by the Examiner.  Application Papers  If approved to communication is a condition of the stantory will be stantory.  If approved to period the priority documents have been received in Application No.		09/964,699		KASAHARA, AKIHIRO	)			
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of them may be a validate under the provisions of JC RR 1.38(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of the communication.  **STATE OF THE MAILING DATE OF THIS COMMUNICATION.**  **Lettansion of them may be a validation under the provision of JC RR 1.38(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of the communication.  **Lettansion of the origin is particulated to the communication of the communication of the communication to become ABANDONED (30 U.S.C.§ 1 33).  **Ary reply received by the Office listed than there months after the mailing date of this communication, even f themly filed, may reduce any search planet them adjulations.**  **This action is FINAL.**  **Disposition of Claims**  **Allow Exponence of Claims**  **Allow Exponence of Claims**  **Allow Claim(s) 1.22 Is/are pending in the application.**  **4) ○ Claim(s) 1.22 Is/are pending in the application.**  **4) ○ Claim(s) 1.22 Is/are pending in the application.**  **4) ○ Claim(s) 1.3.5 and 8-21 is/are rejected.**  **This claim(s) 1.3.5 and 8-22 is/are rejected.**  **This claim(s) 1.3.5 and 8-22 is/are rejected.**  **Application Papers**  9) □ The specification is objected to by the Examiner.**  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.**  **Application Papers**  9) □ The orabin of declaration is objected to by the Examiner.**  **If approved, corrected drawings are required in reply to this Office action.**  11) □ The orabin of declaration is objected to by the Examiner.**  **Priority under 35 U.S.C. §§ 119 and 120*  13) ○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f).**  **Application from the declaration	Office Action Summary	Examiner		Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Eaterclains of time may be available under the provision of 3°C PR 1.35(g). In no event, however, may a reply be timely filed after SIX (8) MCRYTIS from the mailing date of this communication or 13°C PR 1.35(g). In no event, however, may a reply be timely filed after SIX (8) MCRYTIS from the mailing date of this communication or may append any one should be supported by the Citic date of the scommunication or plant of the provisional property of the scommunication or plant of the provisional application or allowance of the provisional application provisional provisional provisional provisional application provisional provisional provisional		pears on the cove	er sheet with the c	orrespondence addre	ss			
1)  Responsive to communication(s) filed on  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  6)  Claim(s) is/are lallowed.  7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) objected by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(e)	A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing	36(a). In no event, how y within the statutory mwill apply and will expired to a cause the application	wever, may a reply be tim inimum of thirty (30) days e SIX (6) MONTHS from to to become ABANDONE	ely filed will be considered timely. the mailing date of this comm (35 U.S.C. § 133).	unication.			
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Application/Control Number: 09/964,699

Art Unit: 2834

Atty: 213470US-2RD

#### **DETAILED ACTION**

### Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-3, 5, 9, 10, 11, 13, 14, 15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga et al. (Koga)(JP 10-239,578) and Noboru (JP 5-260,766). Koga teaches an electrostatic actuator with a slider between two stators having a series of electrodes for moving a lens. Koga does not teach the capacitance detecting circuit and electrodes. Noboru teaches a capacitive detecting circuit connected to the drive selected electrodes to determine the position of the slider. Noboru teaches the drive electrodes having a larger area than the sensor electrodes. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the actuator of Koga with the detecting circuit and electrodes of Noboru to prevent out of synchronous movement and hunting of the slider.

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4. Claims 1, 8, and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga et al. (Koga)(JP 10-239,578) and Taussig et al. (Taussig). Koga teaches an electrostatic actuator with a slider between two stators having a series of electrodes, for moving a lens. Koga does not teach the capacitance detecting circuit. Taussig teaches a capacitive detecting circuit connected to the drive the selected series of electrodes to provide in-phase and quadrature signals for position sensing which is unaffected by the slider gap. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the actuator of Koga with the detecting circuit and electrodes of Taussig to provide inphase and quadrature signals for position sensing which is unaffected by the slider gap.

#### Allowable Subject Matter

- 5. Claims 4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai at (703) 305-7066. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956. Karl I Tamai

Karl I Tamai PRIMARY PATENT EXAMINER October 10, 2002